

### REMARKS

Claims 1-9, 16-19, and 21 have been cancelled without prejudice to the filing of continuing applications. Claims 15, 20 and 22 have been amended to clarify the invention. New claim 23 has been added. Support for the new claim can be found in the specification, page 2, lines 17-20. With these amendments, the pending claims are 15, 20, and 22-23. No new matter has been added by these amendments.

Claims 4, 17 and 21 were rejected under § 112, second paragraph, and claims 1-9 were rejected under 35 U.S.C. §§ 102 and 103. These rejection are obviated by the present cancellation of claims 1-9, 17 and 21. The remaining rejection is addressed below.

#### Rejection Under 35 U.S.C. § 102

Claims 15-22 stand rejected under § 102 as being anticipated by He et al. (U.S. Patent No. 5,817,609). The Office contends that "He et al. disclose bar soap compositions comprising polymer, surfactants, and exfoliants (peeling agents)," and that the incorporation of EDTA is also shown. See Office Action, page 3. Applicants respectfully disagree with this rejection.

As provided in the MPEP, "the transitional phrase 'consisting essentially of' limits the scope of a claim to the specified materials or steps 'and those that do not materially affect the basic and novel characteristic(s)' of the claimed invention. MPEP § 2111.03, 8th Ed., citing In re Herz, 537 F.2d 549, 551-52, 190 USPQ 461, 463 (CCPA 1976). Applicants' respectfully submit that He et al. includes elements that would materially affect the basic and novel characteristics of

As amended, Applicants' claims are directed to a composition consisting essentially of an amphoteric compound and a surfactant. The amphoteric compound is selected from disodium ethylenediamine tetraacetate, trisodium nitrolotriacetate, ziveme, leueme, glutamic acid and

lysine. The composition is suitable for forming unstable dispersions of polymer or polymer mixtures in water.

He et al. relates to personal wash bar compositions. He et al., abstract. The composition comprises a surfactant, a pre-thickened oil-composition and a structural aid and/or inert filler. He et al., col. 5, line 64 to col. 6, line 25. The pre-thickened oil component comprises a hydrophobic emollient agent and a thickening material. He et al., col. 6, lines 6-9. Applicants respectfully submit that the oil component of He et al. would materially affect the novel characteristics of Applicants' claimed invention. Applicants compositions are useful for removing adhering polymers, such as resins, paint lacquers, polymer foams, fats, and mastics. Specification, page 1, lines 3-8. Inclusion of He et al.'s oil in Applicants' aqueous based composition would essentially saturate the composition with organic material, thereby reducing the ability of the composition to remove other organic material (adhering polymers). Further, He et al.'s oil would probably render ineffective the surfactant component of Applicants' composition, which is believed to prevent detached particles from once again forming a whole. See specification, page 3, lines 10-11. He et al., therefore, includes elements that would materially affect Applicants' claimed invention.

Applicants further submit that each of the references cited in the previous Office Action (Kangas, Leising, Smith, Sikes, Plochoka, Takeda, Exner and Moody) includes elements that would materially affect the claimed invention. Several of these references relate to stable

dispersions and emulsions. Applicants submit that the references cited in the previous Office Action (Kangas, Leising, Smith, Sikes, Plochoka, Takeda, Exner and Moody) and as such contain compositions for forming stable dispersions and emulsions. As stated above, Applicants' composition is suitable for forming unstable dispersions of polymer or polymer mixtures in water. Thus components in

the references that aid in forming stable dispersions and emulsions would be incompatible with Applicants' claimed compositions.

For at least the above reasons, the pending claims are not anticipated by He et al. or any of the previously cited references. Withdrawal of the § 102 rejection of the claims is therefore respectfully requested.

Claim 22-23 are Allowable

Claims 22-23 are directed to a method of removing adhering polymers or polymer containing mixtures using the composition of the invention. None of the cited references teach or suggest the claimed method. Indeed, as discussed above, several of the references relate to stable dispersions and emulsions, and thus teach away from Applicants' method for forming unstable dispersions. Accordingly, for at least these reasons, claims 22-23 are independently allowable. Notice to this effect is respectfully requested.

Allowance of the claims and passage of the case to issue are solicited. If the Examiner is of the opinion that a telephone conference would expedite prosecution of this application, the Examiner is encouraged to contact Applicants' undersigned representative.

Respectfully submitted,

**McDonnell Boehnen Hulbert & Berghoff**



John J. McDonnell

Reg. No. 26,949

Date: April 29, 2003

HULBERT & BERGHOFF  
300 South Wacker Drive, Suite 3200  
Chicago, Illinois 60606  
312-913-0001, Facsimile 312-913-0002

## APPENDIX A

### *Marked up copy of the amended claims*

15. (Amended) A composition suitable for forming unstable dispersions of polymer or polymer mixtures in water consisting essentially of an amphoteric compound ~~agent, a polymer substance, and a peeling agent~~ and a surfactant, wherein the amphoteric compound is selected from the group consisting of disodium ethylenediamine tetraacetate, trisodium nitrolotriacetate, glycine, leucine, glutamic acid and lysine.

20. (Amended) Composition as claimed in claim 15 wherein the surfactant is alkyl polyglucoside or dodecylbenzene sulphonate ~~is present as surfactant substance.~~

22. (Amended) Method for removing adhering polymers or polymer-containing mixtures, wherein a composition suitable for dispersing polymers or polymer-containing mixtures of claim + 15 is applied at a pH such that a dispersion is formed from which the adhering polymer is separated in solid form.

## **APPENDIX B**

15. (Amended) A composition suitable for forming unstable dispersions of polymer or polymer mixtures in water consisting essentially of an amphoteric compound and a surfactant, wherein the amphoteric compound is selected from the group consisting of disodium ethylenediamine tetraacetate, trisodium nitrolotriacetate, glycine, leucine, glutamic acid and lysine.

20. (Amended) Composition as claimed in claim 15 wherein the surfactant is alkyl polyglucoside or dodecylbenzene sulphonate.

22. (Amended) Method for removing adhering polymers or polymer-containing mixtures, wherein a composition suitable for dispersing polymers or polymer-containing mixtures of claim 15 is applied at a pH such that a dispersion is formed from which the adhering polymer is separated in solid form.

23. (New) A method as claimed in claim 22 wherein the surfactant is alkyl polyglucoside or dodecylbenzene sulphonate.